

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Request for Review of a Decision of the)	Administrator Correspondence Dated
Universal Service Administrative Co. for)	October 10, 2016
West TN School for the Deaf)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6, 96-45, 13-184
Support Mechanism)	

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE ADMINISTRATION
COMPANY, SCHOOLS AND LIBRARIES DIVISION BY THE WEST TENNESSEE SCHOOL FOR THE
DEAF, OR IN THE ALTERNATIVE, REQUEST FOR A WAIVER OF SECTION 54.511(a) OF THE
COMMISSION'S RULES**

April 24, 2017

Appellant/Organization Name West Tennessee School for the Deaf

Funding Year 2016

Entity Number 17009588

Form 471#	FRN#
161048760	1699111063

In accordance with sections 54.719 through 54.721 of the Commission's rules, the West Tennessee School for the Deaf (“WTSD” or “Applicant”) requests the Federal Communications Commission’s (“FCC” or “Commission”) review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company (“USAC” or “Administrator”)¹. WTSD requests the Commission consider the information set forth in this appeal/waiver that supports WTSD’s contention that USAC did not follow its own PIA procedures when reviewing the aforementioned Form 471 and FRN when it issued a Funding Commitment Decision Letter reducing the requested E-Rate discount from 80% to 20%. This waiver request does include a request to waive the 60-day appeal deadline set forth in the Commission’s rules as this discrepancy was not noted until now when WTSD is seeking discounts for the approved 2016/2017 services from the service provider.

OVERVIEW

The West Tennessee School for the Deaf is a school in Tennessee serving approximately 55 of the state’s most financially and special needs disadvantaged students; they are all deaf or severely hearing impaired. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections. Under this regulatory authority, WTSD annually submits E-Rate application(s) for discounts on eligible products and services.

¹ See attached **FCC Form 471 - 161048760 - WEST TENNESSEE SCHOOL FOR DEAF**. Please note, the ONLY version of the Funding Commitment Decision Letter is a .csv file (converted to .xls). There is no FORMAL FCDL issued since the advent of the EPC portal.

BACKGROUND and REQUEST FOR WAIVER AND REVIEW

We are asking the Commission to waive the 60 day appeal deadline and review the Administrator's decision to modify the requested E-Rate discount of 80% to 20% considering we were not given proper notice or follow-up during PIA review in October 2016.

In its review, the Administrator determined that, "The discount percentage of this FCC Form 471 application was reduced from 80% to 20% to a level that could be validated by third party data." According to the record in the E-Rate Productivity Center Portal ("EPC"), there was an inquiry issued on September 16, 2016 requesting validation of the requested discount. Again, according to the record that is still in EPC, the notification was sent to Kristi Lindsey with a due date of October 3, 2016.

Records / FCC Forms 471

**WestTNSchoolfortheDeaf471FY2016C1-IA -
#161048760** [Follow](#)

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Pending Inquiries

Read	Notice	Name	Outreach Type	Assigned By	Title	#	Date	Date	Extn.	Status
		Requested Discount	E-Rate Information Request	Briana Titus-Gilliam	Case Management Associate	973-581-6700	9/16/2016 8:17 AM EDT	10/3/2016	0	Response Needed

THIS IS STILL THE STATUS IN EPC (as of April 24, 2017).
THERE WAS NO FOLLOW UP, NO REMINDER SENT TO THE
STATE COORDINATOR AND NO NOTIFICATION TO
CONFIRM THE ACTION OF REDUCING THE REQUESTED
DISCOUNT PERCENTAGE.

It is our understanding that 'normal' PIA procedures require the following actions:

1. Outreach is sent to the applicant with an initial 15-day deadline to respond;
2. If no response is received within 7 days, a 'reminder' email is sent to the applicant with a carbon copy to their State E-Rate Coordinator, and finally;
3. If any modification is to be made to an application or funding request, there is a confirmation communication sent to allow the applicant a final opportunity to submit documentation to refute the proposed modification.

Only step #1 occurred in this instance. There was no reminder email sent, no notification to the State E-Rate Coordinator and there was no communication requesting confirmation of any proposed

reduction/modification to the requested discount rate. Had there been communication with any additional parties (such as the State Coordinator's Office), the requested discount would have been immediately validated at the requested 80% discount. This information is immediately available upon request.

In fact, the Form 471 application and funding request was funded precisely one week after the due date of the initial outreach on October 10, 2016 AND, the information presented in what constitutes the Funding Commitment Decision Letter has conflicting information present. *Please reference document at Footnote 1.*

Column "V" (Application FCDL Comments) states:

The discount percentage of this FCC Form 471 application was reduced from 80% to 20% to a level that could be validated by third party data.

Column "W" (FCDL Comments) states:

Approved as submitted.

Of course, the first question must be, "What is the difference between "Application FCDL Comments" and "FCDL Comments"? Why do the two fields have conflicting information? One field indicates the reduction and the very next field indicates the application was "Approved as submitted".

We are sure the Commission is very aware of the myriad problems USAC has had administering the E-Rate Program using the E-Rate Productivity Center Portal for Fund Year 2016/2017. The applicant community has had as much (if not MORE) trouble navigating the new Forms and processes resulting from the implementation of EPC and it would be a shame to penalize this very small but desperately needy school considering all of the factors noted above. It is apparent that the description of the modification made to WTSD's Form 471 application and single funding request was buried in the cryptic fields present in the 2016 FCDL spreadsheet and as noted before, this has only become known now as they are working with their service provider to receive their approved E-Rate discounts.

Reduction of funding in this case would inflict undue hardship on the School.

Considering the information set forth in this appeal, we urge the Commission to reconsider the decision made by the Administrator to modify the requested E-Rate discount. Loss of this funding would inflict undue hardship on the School. The School relies upon Universal Service funds for support of essential Broadband connectivity and communications services. Without these funds, the School will be forced to use its General Funds to pay for these services, funds which could be used for teachers' salaries and other critical education functions.

There is no evidence in the record that WTSD engaged in activity intended to defraud or abuse the E-rate program. Reducing its requested discount level for funding would create undue hardship and prevent it from receiving the appropriate E-Rate funding for E-Rate eligible services already provided by the contracted service provider.

We appreciate your consideration of our request and anxiously await your decision.

Most Sincerely,

/S/

Kimberly Friends

TN State E-Rate Coordinator

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